

Consultation Response from: KC Environmental Health (Pollution & Noise Control)

2024/92207 53 Wakefield Road, Moldgreen, Huddersfield, HD5 9AB

Erection of rear three storey house of multiple occupation

**Responding Date:
26th September 2024**

**Responding Officer:
SR MN**

**Responding Ref:
WK202429083**

Comments

We have reviewed the application and supporting information, we offer the following comments. The application concerns an extension of the existing structure to provide residential accommodation.

Air Quality

The site of the proposed development is not located within an Air Quality Management Area (AQMA). It is however located approximately 30 m to the west of the boundary of AQMA No. 9. In support of the application an Air Quality Assessment by Miller Goodall, Report No. 103157, dated the 15th of May 2024 has been submitted.

The assessment details the impact that the development will have on existing air quality, and how this will impact existing and future sensitive receptors during the construction and operational phases. It uses techniques detailed in national and local guidance, such as Local Air Quality Management Technical Guidance, the Institute of Air Quality Management (IAQM) Technical Guidance and The West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance.

Construction Phase

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the current Institute of Air Quality Management (IAQM) Guidance. This involved a risk assessment to identify nearby sensitive receptors and potential sources of dust during the construction phase. No demolition is to be undertaken at site.

The report concludes that dust and can be controlled by the implementation of good practice dust control mitigation. These are outlined in Appendix D of the report.

Operational Phase

A screening assessment has been undertaken following agreement that the proposal meets a minor classification under WYLES. The report uses data from appropriately positioned monitoring locations, Defra background concentrations for the vicinity have been listed. The report uses this data to demonstrate that the proposed building which is set back from roadside behind an existing façade is considered suitable for residential use as concentrations of NO₂ and PM₁₀ are likely to be below respective long and short term objectives. As no parking is proposed and easy access to the public transport network is available it is concluded that changes arising from development traffic to cause adverse effects would in insignificant.

We accept the Air Quality Assessment by Miller Goodall, Report No. 103157, dated the 15th of May 2024 and recommend a condition to implement the dust mitigation and management mitigation, as outlined in Appendix D during the construction phase.

Noise

The applicant has submitted a Noise Assessment by DRUK Limited, Ref DRUK/ACC/RS/MRWRMGH/3286, dated 06 June 2024. Section 3 of the report describes the immediate area and identifies the neighbouring commercial uses.

A background noise survey was conducted from 2 measurement positions (as shown in figure 2) between 2200hrs - 0200hrs on Tuesday the 4th into Wednesday the 5th of June 2024 and between 1530hrs - 2200hrs on Wednesday the 5th of June 2024 as they encompassed the afternoon peak periods, with respect to the road traffic, extending into the night time period. A summary of the findings is given in table 8. The dominant source was road traffic although comment is made in para 5.4 of contributions from the commercial and licensed enterprises in the vicinity of the development site.

Based upon reasonable construction assumptions, glazing is specified in table 12 along with acoustic ventilators. Table 14 shows the internal requirements of BS8233 would be met with this configuration. Comment is made that opening the windows for ventilation purposes would result in the internal noise levels exceeding the design guide levels in BS 8233 and so alternative ventilation is recommended to bedroom areas. Whilst this is outside of the remit of Environmental Health, it is imperative that any installed mechanical ventilation system does not affect the required internal noise climate.

There is no external amenity area.

The findings of the submitted report are accepted. A condition is recommended to implement and retain the mitigation measures in the interests of protecting the amenity of the occupiers.

Contaminated Land

The site of the proposed development is not shown to be on potentially contaminated land and whilst we have no objections to permission being granted, groundworks will be required and a watching brief should be maintained. We therefore recommend a condition in relation to unexpected contamination.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason a condition is necessary to limit the hours of operation for the construction site

Recommended Conditions

DUST1 Implement agreed Dust Mitigation Scheme – Condition

Before any construction work commences, the mitigation measures to control fugitive dust emissions during the construction phase of the development shall be implemented in accordance with those detailed in Appendix D of the Air Quality Assessment by Miller Goodall, Report No. 103157, dated the 15th of May 2024 and retained for the duration of the construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

NC1 Implement Agreed Noise Mitigation Measures – Condition

Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Assessment by DRUK Limited, Ref DRUK/ACC/RS/MRWRMGH/3286, dated 06 June 2024 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

CLC6 Reporting of Unexpected Contamination – Condition

If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

CLC7 Contaminated land - Footnote

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.*

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If

the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

CSC1 Construction Site Working Times - Condition

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

CSF1 Construction Sites working times – Footnote

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.